

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

WP(C).No. 9484 of 2006(D)

PETITIONER:

GOPALAN NAIR, S/O. SANKARAN NAIR,
CHERINJAPURATH HOUSE, PALERI POST,
KUTTIADI VIA., KOZHIKODE DISTRICT.

BY ADV. SRI.KODOTH SREEDHARAN

RESPONDENTS:

1. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVERNMENT, DEPARTMENT
OF PUBLIC ADMINISTRATION, SECRETARIAT,
TRIVANDRUM.
2. THE SECRETARY TO GOVERNMENT,
DEPARTMENT OF HOME, GOVT.SECRETARIAT,
TRIVANDRUM.
3. THE DISTRICT COLLECTOR, KOZHIKODE.
4. COMMANDANT, MALABAR SPECIAL POLICE (MSP)
OFFICE OF THE COMMANDANT, MSP MALAPPURAM.
5. UNDER SECRETARY, MINISTRY OF
HOME AFFAIRS, (F.F.DIVISION), GOVT.INDIA
JAIOSLAMER HOUSE, MANSINGH ROAD, NEW DELHI.

BY ADV. SRI.V.VENUGOPALAN NAIR, ACGSC
GOVERNMENT PLEADER SRI.P.BENJAMIN PAUL

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 27/11/2006, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

- P1 CERTIFICATE DT 15.1.99.
- P2 REPRESENTATION DT 8.3.99.
- P3 LETTER DT 27.5.99.
- P4 LETTER ISSUED BY R2 DT 2.2.00.
- P5 LETTER ISSUED BY R1 DT 6.1.03.
- P6 LETTER DT 20.1.98.
- P7 JUDGMENT DT 9.7.03.

TRUE COPY

P.A. TO JUDGE

C.N. RAMACHANDRAN NAIR, J.
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W.P. (C) No. 9484 OF 2006 D
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Dated this the 27th day of November, 2006

J U D G M E N T

Heard Counsel for the petitioner, Government Pleader and Central Government Standing Counsel.

2. Petitioner applied for pension under the Swatantrata Sainik Samman Scheme available to freedom fighters. Petitioner was dismissed from Malabar Special Police in 1946 and re-employed in 1962. Government Pleader submitted that under the Rules of the State Government, petitioner is not entitled to freedom fighters' pension because petitioner is otherwise drawing State pension. However, freedom fighters' pension under the Swatantrata Sainik Samman Pension Scheme does not bar petitioner from getting Central pension.

In the circumstances, I hold that Ext.P5 applies only for pension under the State Scheme. The 3rd respondent will therefore recommend the petitioner's case for pension to the 1st respondent as similar persons have been granted pension, within three weeks from date of production of a copy of this judgment and based on that recommendation, the 1st respondent will grant pension to the petitioner without any delay. I make it clear that pension should be given to the petitioner from the date of entitlement.

(C.N. RAMACHANDRAN NAIR, JUDGE)

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